

United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007

ROBERT A. KATZMANN  
CHIEF JUDGE

CATHERINE O'HAGAN WOLFE  
CLERK OF COURT

Date: November 24, 2014  
Docket #: 14-2820cv  
Short Title: Soley v. Wasserman

DC Docket #: 08-cv-9262  
DC Court: SDNY (NEW YORK CITY)  
DC Judge: Wood  
DC Judge: Maas

### NOTICE OF DEFECTIVE FILING

On November 20, 2014 the Brief & Special Appendix and Joint Appendix volumes 1-4 were submitted in the above referenced case. The documents do not comply with the FRAP or the Court's Local Rules for the following reason(s):

XX **Failure to submit acknowledgment and notice of appearance (*Local Rule 12.3*) -**

**NOTE: Attorney Leslie S. Wybiral must file an acknowledgment form using his/her ECF account.**

- Failure to file the Record on Appeal (*FRAP 10, FRAP 11*)
- Missing motion information statement (*T-1080 - Local Rule 27.1*)
- Missing supporting papers for motion (e.g, affidavit/affirmation/declaration) (*FRAP 27*)
- Insufficient number of copies (*Local Rules: 21.1, 27.1, 30.1, 31.1*)
- Improper proof of service (*FRAP 25*)
  - Missing proof of service
  - Served to an incorrect address
  - Incomplete service (*Anders v. California* 386 U.S. 738 (1967))
- Failure to submit document in digital format (*Local Rule 25.1*)
- Not Text-Searchable (*Local Rule 25.1, Interim Local Rules 25.2*), click [here](#) for instructions on how to make PDFs text searchable
- Failure to file appendix on CD-ROM (*Local Rule 25.1, Interim Local Rules 25.2*)
- Failure to file special appendix (*Local Rule 32.1*)

XX **Defective cover (*FRAP 32*) - NOTE: Docket number 14-2952 should have “(XAP)” next to it instead of “(CON)” (this is a cross appeal). Please send new covers in for all documents and re-file electronically using same filing events (DO NOT use “Corrected”).**

- Incorrect caption (*FRAP 32*)
- Wrong color cover (*FRAP 32*)
- Docket number font too small (*Local Rule 32.1*)
- Incorrect pagination, click [here](#) for instructions on how to paginate PDFs (*Local Rule 32.1*)
- Incorrect font (*FRAP 32*)
- Oversized filing (*FRAP 27 (motion), FRAP 32 (brief)*)
- Missing Amicus Curiae filing or motion (*Local Rule 29.1*)
- Untimely filing
- Incorrect Filing Event

XX **Other: Missing one hard copy of Volume 4 of the Joint Appendix. Please send one additional copy in.**

Please cure the defect(s) and resubmit the document, with the required copies if necessary, no later than **November 26, 2014**. The resubmitted documents, if compliant with FRAP and the Local Rules, will be deemed timely filed.

Failure to cure the defect(s) by the date set forth above will result in the document being stricken. An appellant's failure to cure a defective filing may result in the dismissal of the appeal.

Inquiries regarding this case may be directed to 212-857-8623.